

# Exhibit 3

KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICO

August 28, 2024  
1-4

Page 1	Page 3
<p>1 2 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK 3 -----x 4 KEITH FISCHER, MICHAEL O'SULLIVAN, JOHN MOESER, LOUIS PIA, THOMAS 5 BARDEN, CONSTANCE MANGAN, and CHARISE JONES, Individually and on 6 behalf of all others similarly situated, 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-against-</p> <p style="text-align: right;">Case No. 2:23 Civ. 2848 (GRB)(ARL)</p> <p>GOVERNMENT EMPLOYEES INSURANCE COMPANY d/b/a GEICO,</p> <p style="text-align: center;">Defendant.</p> <p style="text-align: center;">-----x</p> <p style="text-align: center;">August 28, 2024 10:06 a.m.</p> <p>***This Transcript Contains a Confidential Section***</p> <p>Videotaped Deposition of KEITH FISCHER, taken by Defendant, pursuant to Notice and Agreement, held at 1540 Broadway, New York, New York, before Joseph R. Danyo, a Shorthand Reporter and Notary Public within and for the State of New York.</p>	<p>1 Fischer 2 THE VIDEOGRAPHER: Good morning. We 3 are now on the record. The time is 10:06 4 a.m. on August 28, 2024. This begins the 5 video deposition of Keith Fischer taken in 6 the matter of Keith Fischer versus 7 Government Employees Insurance Company 8 filed in the United States District Court 9 for the Eastern District of New York, the 10 case number of which is 2:23 Civ. 11 2848(GRB)(ARL). 12 My name is Adrienne Chemmel. I am 13 your videographer today. The court 14 reporter is Joe Danyo. We are 15 representing Esquire Deposition Solutions. 16 Will everyone present please identify 17 themselves and state whom you represent, 18 after which the witness will be sworn in. 19 MS. DSOUZA: Zarka Shabir Dsouza from 20 Outten &amp; Golden for the Plaintiffs. 21 MS. ALBERTY: Tiffany Alberty of 22 Duane Morris on behalf of the Defendant 23 GEICO. 24 THE VIDEOGRAPHER: Will the court 25 reporter please swear in the witness, and</p>
Page 2	Page 4
<p>1 2 A P P E A R A N C E S : 3 OUTTEN &amp; GOLDEN LLP Attorneys for Plaintiffs 4 1225 New York Avenue, N.W. Suite 1200B 5 Washington, D.C. 20005 6 By: ZARKA SHABIR DSOUZA, ESQ. HANNAH COLE-CHU, ESQ. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>DUANE MORRIS LLP Attorneys for Defendant 190 South LaSalle Street Suite 3700 Chicago, Illinois 60603</p> <p>By: TIFFANY ALBERTY, ESQ.</p> <p>Also Present: ADRIENNE CHEMMEL, Videographer ~oOo~</p>	<p>1 Fischer 2 then, Counsel, you may proceed. 3 KEITH FISCHER, having been first 4 duly sworn by Joseph R. Danyo, a Notary Public, 5 was called as a witness and testified as follows: 6 EXAMINATION BY MS. ALBERTY: 7 Q. Can you please state and spell your 8 first and last name. 9 A. Keith, K-e-i-t-h, Fischer, 10 F-i-s-c-h-e-r. 11 MS. ALBERTY: Let the record reflect 12 that this is the discovery deposition of 13 Mr. Keith Fischer taken pursuant to notice 14 and by agreement of the parties. Today's 15 deposition will be taken in accordance 16 with all applicable rules. 17 Q. Mr. Fischer, I know I introduced 18 myself off the record, and I just stated my name 19 for the record, but I'm Tiffany Alberty. I'm 20 counsel for GEICO, the Defendant in this case. 21 I'm going to be asking you a series 22 of questions about your background, your 23 experience at GEICO. Before we get started, have 24 you been deposed before? 25 A. Deposed, I mean as far as grand jury,</p>

KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICO

August 28, 2024  
25-28

Page 25	Page 27
<p>1 Fischer</p> <p>2 claims.</p> <p>3 Q. Would this have been for everything</p> <p>4 of personal property including residential?</p> <p>5 A. No. I did mostly vehicle. Just</p> <p>6 about all vehicle.</p> <p>7 Q. Then did you resign, or were you</p> <p>8 terminated from Allstate?</p> <p>9 A. I resigned in good standing at</p> <p>10 Allstate and joined GEICO Insurance May 10th,</p> <p>11 1999.</p> <p>12 Q. Why did you leave Allstate?</p> <p>13 A. Better, a little bit more as far as</p> <p>14 salary, but the freedom to do what I felt I did</p> <p>15 best was go out into the street and talk to</p> <p>16 people and interview people.</p> <p>17 Q. Okay. So from 1999 until what day</p> <p>18 did you work for GEICO?</p> <p>19 A. From May 10, 1999 to I believe it</p> <p>20 was, I believe today is my anniversary, my</p> <p>21 four-year anniversary. My last vacation day was</p> <p>22 today, but I actually probably didn't retire</p> <p>23 until November 1st was my actual day of 2000.</p> <p>24 Q. 2000 or 2020?</p> <p>25 A. I'm sorry. 2020.</p>	<p>1 Fischer</p> <p>2 Q. Your Social Security that you're</p> <p>3 getting, is that under Social Security Disability</p> <p>4 Insurance?</p> <p>5 A. Yes, it is.</p> <p>6 Q. And how long have you been under SSDI</p> <p>7 for?</p> <p>8 A. I'm going to say 2022. Two years.</p> <p>9 About two years.</p> <p>10 Q. I'm going to jog your memory here.</p> <p>11 Let's go back to 1999.</p> <p>12 A. Okay.</p> <p>13 Q. When you first started at GEICO, do</p> <p>14 you remember what your title was?</p> <p>15 A. SIU investigator, to the best of my</p> <p>16 recollection.</p> <p>17 Q. Were you always full time?</p> <p>18 A. Yes.</p> <p>19 Q. What type of investigations did you</p> <p>20 conduct when you first started at GEICO in 1999?</p> <p>21 A. To the best of my recollection, I</p> <p>22 handled just about everything that was given to</p> <p>23 us. I didn't have a specific category or claim</p> <p>24 that I would handle whatever was given to us by</p> <p>25 the inside staff, would give us our cases. In</p>
Page 26	Page 28
<p>1 Fischer</p> <p>2 Q. Okay. No problem. I just wanted to</p> <p>3 double-check.</p> <p>4 A. Yeah. That would have been 21 and a</p> <p>5 half years.</p> <p>6 Q. Okay, and we'll get more into the</p> <p>7 substance of your experience at GEICO, but, when</p> <p>8 you retired in November of 2020, did you assume</p> <p>9 any other employment then thereafter?</p> <p>10 A. No.</p> <p>11 Q. Have you worked since let's say</p> <p>12 November of 2020 any type of odd jobs, part-time,</p> <p>13 1099, independent contractor status?</p> <p>14 A. No.</p> <p>15 Q. So your wife, did she retire as well?</p> <p>16 A. Yes. She retired about a month after</p> <p>17 I did.</p> <p>18 Q. Okay, and since her retirement, to</p> <p>19 your knowledge, has she worked?</p> <p>20 A. No.</p> <p>21 Q. What is your source of income now, if</p> <p>22 any?</p> <p>23 A. I have my New York City Police</p> <p>24 pension, I have Social Security, and I have a</p> <p>25 401(k).</p>	<p>1 Fischer</p> <p>2 our mailbox we would come and pick them up and</p> <p>3 whatever it was asked we were asked to do.</p> <p>4 Q. So for GEICO they have quite a few</p> <p>5 different lines of insurance. Were you handling</p> <p>6 every aspect, meaning commercial, residential,</p> <p>7 property, cyber?</p> <p>8 A. Property.</p> <p>9 Q. When you first started in 1999, were</p> <p>10 you assigned to a region?</p> <p>11 A. Region 2.</p> <p>12 Q. Did you work in region 2 for your</p> <p>13 entire tenure?</p> <p>14 A. Yes.</p> <p>15 Q. When you started in 1999, were you</p> <p>16 assigned to a geographic location?</p> <p>17 A. To the best of my recollection, we</p> <p>18 were given the five boroughs of New York City,</p> <p>19 Nassau and Suffolk.</p> <p>20 Q. Did that geographic area ever expand</p> <p>21 during your tenure?</p> <p>22 A. I was asked to travel upstate several</p> <p>23 times up to Syracuse, Binghamton, Rochester, that</p> <p>24 area, to handle some cases. Yes.</p> <p>25 Q. How frequent would you say you were</p>

KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICOAugust 28, 2024  
29-32

<p style="text-align: right;">Page 29</p> <p>1 Fischer</p> <p>2 handling let's say cases up north?</p> <p>3 A. I did for about six months. I was</p> <p>4 under a different supervisor who was assigned up</p> <p>5 there, and I had agreed to travel up there one or</p> <p>6 two days a week and conduct cases up there. They</p> <p>7 were short on staff.</p> <p>8 Q. Do you remember when in time that</p> <p>9 would have occurred?</p> <p>10 A. Probably after 2006, 2005, somewhere</p> <p>11 in there maybe.</p> <p>12 Q. Okay.</p> <p>13 A. I believe Cheryl Darenthal was the</p> <p>14 supervisor at the time. So that might have been</p> <p>15 2008, '09, '10, to the best of my recollection.</p> <p>16 Q. Okay. Focusing on the claims in this</p> <p>17 case, it's my understanding that it would have</p> <p>18 started at the end of 2016 into then when you</p> <p>19 retired. Does that sound right to you?</p> <p>20 A. Could you repeat the question.</p> <p>21 Q. Sure. As far as the claims and the</p> <p>22 time period, because you've worked for GEICO for</p> <p>23 so long, it's my understanding that the claims</p> <p>24 would have occurred at the end of 2016 all the</p> <p>25 way through to when you retired. Does that sound</p>	<p style="text-align: right;">Page 31</p> <p>1 Fischer</p> <p>2 2016. I'm not sure if I really had any</p> <p>3 catastrophes after 2016, to the best of my</p> <p>4 recollection. There could have been, but from</p> <p>5 what I remember it was prior to that.</p> <p>6 Q. So then let's circle back. As an SIU</p> <p>7 investigator, were you assigned to a specific</p> <p>8 level?</p> <p>9 A. When I first started at GEICO, I was</p> <p>10 a grade 65, and that was in 1999, and in 2004</p> <p>11 five years later I was promoted to grade 66. I</p> <p>12 believe I was one of four investigators promoted</p> <p>13 to that.</p> <p>14 Q. Okay, and tell me what's the</p> <p>15 difference between a 65 and a 66, to your</p> <p>16 recollection?</p> <p>17 A. 66, in accordance with the regular</p> <p>18 day-to-day investigations, I was also asked as a</p> <p>19 66 to train all the new investigators that came</p> <p>20 on board. I was asked to do ride-alongs with</p> <p>21 inside staff or counsel depending on the</p> <p>22 supervisor's requests. I was probably given</p> <p>23 between four and six more cases a month being at</p> <p>24 that level. I had to take on more serious cases</p> <p>25 to do things out of the ordinary that some people</p>
<p style="text-align: right;">Page 30</p> <p>1 Fischer</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. So I will try my best to</p> <p>5 differentiate if we're going back in time to when</p> <p>6 you first started at GEICO, but really the focus</p> <p>7 will be around that time consideration of 2016 up</p> <p>8 until your retirement. Okay?</p> <p>9 A. Okay.</p> <p>10 Q. So, for that specific time frame,</p> <p>11 2016 until your retirement, fair to say that the</p> <p>12 cases that you handled would have been in the</p> <p>13 five boroughs, Suffolk and Nassau County?</p> <p>14 A. That's correct.</p> <p>15 Q. Did you handle any type of claims</p> <p>16 outside of the State of New York between that</p> <p>17 time frame?</p> <p>18 A. Yes, I did. I was asked to go, I was</p> <p>19 assigned to the catastrophe team, and I did</p> <p>20 travel to Houston, Texas, and Denver, Colorado</p> <p>21 twice I believe to handle hail claims in Denver</p> <p>22 and flood claims in Houston, Texas.</p> <p>23 Q. Do you remember when in time that</p> <p>24 would have been?</p> <p>25 A. That might have been just prior to</p>	<p style="text-align: right;">Page 32</p> <p>1 Fischer</p> <p>2 wouldn't have to do. It usually came at the</p> <p>3 request of my supervisor Jerry Cassagne.</p> <p>4 Q. What were the duties and</p> <p>5 responsibilities for a level 65?</p> <p>6 A. To handle cases given to us by the</p> <p>7 inside staff, anything from bodily injuries to</p> <p>8 theft claims to social media to visiting</p> <p>9 attorneys with pictures and letters requesting</p> <p>10 that they drop cases. They were called operation</p> <p>11 challenges. Typing. Every day doing</p> <p>12 face-to-face interviews, coordinating with the</p> <p>13 National Insurance Crime Bureau, police</p> <p>14 personnel. I also had a significant arson</p> <p>15 contingent of investigators that I had to deal</p> <p>16 with because I dealt with thefts and fires as far</p> <p>17 as GEICO was concerned. I have an arson</p> <p>18 background.</p> <p>19 Q. With?</p> <p>20 A. The Levittown Fire Department.</p> <p>21 Q. With the duties that you just</p> <p>22 outlined as a level 65, would a level 66 have to</p> <p>23 take on those duties in conjunction then with the</p> <p>24 training that you previously spoke about?</p> <p>25 A. Yes.</p>

KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICOAugust 28, 2024  
33-36

Page 33	Page 35
<p>1 Fischer</p> <p>2 Q. You also stated as a 66 you would be</p> <p>3 assigned four to six more cases a month, and</p> <p>4 would that have been under the same scope of</p> <p>5 cases that you just spoke about?</p> <p>6 A. Yes.</p> <p>7 Q. Which would have been social, auto,</p> <p>8 operation challenges?</p> <p>9 A. I would like to clarify my answer.</p> <p>10 As time went on, I thought we were back in the</p> <p>11 early 2000's, as time went on, I became more of</p> <p>12 the theft coordinator, but in addition to my</p> <p>13 theft investigations, I also handled staged</p> <p>14 accidents, caused accidents, social media. Being</p> <p>15 a 66, I was expected to handle bigger cases, more</p> <p>16 pattern cases I guess you could say, rings,</p> <p>17 things of that nature as a 66.</p> <p>18 Q. In 2016 until your retirement, what</p> <p>19 percentage of theft cases would you say you were</p> <p>20 handling?</p> <p>21 A. Probably 70 percent of my claims were</p> <p>22 theft.</p> <p>23 Q. Then what percentage were you</p> <p>24 handling staged accidents?</p> <p>25 A. About 20 percent.</p>	<p>1 Fischer</p> <p>2 In other words, they would be given</p> <p>3 only 20 cases, because they were what GEICO had</p> <p>4 deemed level 1 cases, because there were usually</p> <p>5 3 and 4 occupants in the car, which meant a</p> <p>6 larger number of examinations under oath.</p> <p>7 Usually about the 18th or 19th or</p> <p>8 20th of the month, that particular team would</p> <p>9 reach their maximum amount of cases that they</p> <p>10 could receive, which was laid down or supplied to</p> <p>11 us by supervisors, and, at that point, I would</p> <p>12 take on staged accident losses, because those</p> <p>13 particular five, six, seven investigators were</p> <p>14 now cut off from staged accidents.</p> <p>15 So, in addition to my theft claims, I</p> <p>16 was also asked to do staged and caused losses.</p> <p>17 Q. Okay. Was that something that only</p> <p>18 uniquely applied to you, if you know?</p> <p>19 A. No. There was a few of us. Not just</p> <p>20 myself. I wasn't singled out, but a lot of us</p> <p>21 had to take on additional work from other teams</p> <p>22 even though we were assigned to the theft team.</p> <p>23 Q. For those who were on your theft</p> <p>24 team, do you know, say, for example, if John,</p> <p>25 Vito or Maria had to then take on staged</p>
Page 34	Page 36
<p>1 Fischer</p> <p>2 Q. And then what about social media?</p> <p>3 A. Yeah. That was maybe 5 percent, and</p> <p>4 then we were given the other 5 percent was policy</p> <p>5 claims. Usually checking on people's vehicles</p> <p>6 where they lived, rate evading, things like that.</p> <p>7 Q. In 2000, and I want to focus in 2016</p> <p>8 were you assigned to a specific team?</p> <p>9 A. Yes. I was assigned to my</p> <p>10 supervisor, Jerry Cassagne. I was assigned to</p> <p>11 the theft team.</p> <p>12 Q. Who was comprised of that team at</p> <p>13 that time?</p> <p>14 A. Myself, John Gillane, Vito, I've got</p> <p>15 the wrong last name. Vito, and what's her name?</p> <p>16 Maria Munoz.</p> <p>17 Q. From 2016 onward until your</p> <p>18 retirement, were you always assigned to Jerry's</p> <p>19 team as the theft team?</p> <p>20 A. It did change. To the best of my</p> <p>21 recollection, I did primarily theft claims.</p> <p>22 There were times that I was asked, if I can</p> <p>23 expand my answer, as time went on, in the theft</p> <p>24 team, there became times where the staged</p> <p>25 accident team was cut off at a certain time.</p>	<p>1 Fischer</p> <p>2 accidents to assist with that department?</p> <p>3 MS. DSOUZA: Objection.</p> <p>4 Q. You can answer.</p> <p>5 A. Did they have to take those claims</p> <p>6 on?</p> <p>7 Q. Yes.</p> <p>8 A. Is that what you're asking?</p> <p>9 Q. To your knowledge.</p> <p>10 A. Yes.</p> <p>11 Q. I think from your testimony, as I</p> <p>12 understand it, you did not work in the office.</p> <p>13 Is that right?</p> <p>14 A. That's right.</p> <p>15 Q. Did you ever have an inside role?</p> <p>16 MS. DSOUZA: Objection.</p> <p>17 A. No.</p> <p>18 Q. In your position from 2016 until your</p> <p>19 retirement, did you have a set schedule, meaning</p> <p>20 I worked Monday through Friday 9 to 5?</p> <p>21 A. No.</p> <p>22 Q. Did you have flex time?</p> <p>23 A. We were, I guess that's what it was</p> <p>24 called. Yes. You could start and stop depending</p> <p>25 on your schedule, depending on your examinations</p>

KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICO

August 28, 2024  
69-72

<p style="text-align: right;">Page 69</p> <p>1 Fischer</p> <p>2 THE VIDEOGRAPHER: We are back on the</p> <p>3 record at 11:46 a.m.</p> <p>4 BY MS. ALBERTY:</p> <p>5 Q. Okay. So, before we took a break, we</p> <p>6 were talking about the different types of claims</p> <p>7 that you would investigate. For any of the</p> <p>8 claims that you investigated for the five</p> <p>9 boroughs, Suffolk and Nassau County, how far</p> <p>10 would you drive, meaning mileage, max?</p> <p>11 A. An estimate, I mean I would do, to be</p> <p>12 fair, I mean between 500 to 1200 miles a month.</p> <p>13 I had to fill out a monthly mileage record.</p> <p>14 Obviously during COVID there was no mileage, but</p> <p>15 from '16 to '20, it depended on where my cases</p> <p>16 were located, whether Staten Island, Brooklyn or</p> <p>17 the Bronx or how many EUOs I did.</p> <p>18 So I would say the minimum 4 to 500 a</p> <p>19 month and some months a thousand to 1200 a month.</p> <p>20 Q. I apologize. My question was not</p> <p>21 great. Regarding, how do I want to articulate</p> <p>22 this, regarding how far you would drive, meaning</p> <p>23 hours. Clearly you're not driving 500 miles in</p> <p>24 one day.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 71</p> <p>1 Fischer</p> <p>2 Q. Were some weeks busier than others?</p> <p>3 A. Yes.</p> <p>4 Q. Were there certain times of the year</p> <p>5 that were busier than others?</p> <p>6 A. Not to my recollection. Everything</p> <p>7 was, there was no certain time of the year.</p> <p>8 Busier? I will say the summer was busy because</p> <p>9 people were on vacation. So, yes, that was quite</p> <p>10 busy. We handled up to 60 or 70 cases depending</p> <p>11 on I think there was five to seven people were</p> <p>12 allowed to go on vacation at any given time. So</p> <p>13 that meant that you had to take those 2 to 300</p> <p>14 cases and divide them up.</p> <p>15 Q. If somebody went out, say, for</p> <p>16 example, on short-term leave, say one week or was</p> <p>17 out on a holiday, would you step in only for that</p> <p>18 week to handle whatever was necessary for that</p> <p>19 case, or would you then assume the entirety of</p> <p>20 the case and work it from the very beginning to</p> <p>21 the end?</p> <p>22 A. I would work it from the beginning to</p> <p>23 the end. It was now my case. Are you talking</p> <p>24 about if they had existing claims prior to going</p> <p>25 on vacation? Their cases?</p>
<p style="text-align: right;">Page 70</p> <p>1 Fischer</p> <p>2 Q. So, in a day, what was, you know, the</p> <p>3 time that you spent in the car obviously not</p> <p>4 considering COVID times?</p> <p>5 A. Some days as many as five to six</p> <p>6 hours and some days two hours. It depended on</p> <p>7 the number of EUOs that I had or where my cases</p> <p>8 were located. I lived pretty much centrally</p> <p>9 located in Nassau. So I was 30 miles from the</p> <p>10 city, and I was 30 to 40 miles from Suffolk.</p> <p>11 Q. I think you said, for the claims that</p> <p>12 you handled up north, you're just unsure when in</p> <p>13 time that would have occurred?</p> <p>14 A. It was prior to this 2016. I'm</p> <p>15 almost positive.</p> <p>16 Q. Okay. Prior to COVID, how many</p> <p>17 claims would you handle a week in, again, sorry,</p> <p>18 the 2016 to 2020 time frame?</p> <p>19 A. I'm going, approximately between 30</p> <p>20 to 60 a month. It depended on the year. As time</p> <p>21 went on and we lost investigators, obviously the</p> <p>22 cases grew because there was less personnel.</p> <p>23 Q. And that 30 to 60 cases per month</p> <p>24 range, did that fluctuate?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 Fischer</p> <p>2 Q. Yes.</p> <p>3 A. Yes, there would be times where we</p> <p>4 would have to conduct examinations under oath or</p> <p>5 go out and do some steps depending on who you</p> <p>6 worked with. In the theft team there was only</p> <p>7 four or five of us. So in SIU you were given two</p> <p>8 or three days prior to your vacation to catch up</p> <p>9 on your cases. Then you would go away for a week</p> <p>10 say, and then you would come back, and you were</p> <p>11 given another day.</p> <p>12 So there was about ten days there</p> <p>13 that, not only did you have to do your 60 or 70</p> <p>14 cases, but you had to go in and touch the cases</p> <p>15 of other examiners or if they asked you to maybe</p> <p>16 do some examinations under oath that were</p> <p>17 scheduled, you would do it for them and/or maybe,</p> <p>18 if you were out in Queens, you would do a canvass</p> <p>19 or interview one of their insureds, because they</p> <p>20 had to make entries into their case certain</p> <p>21 dates. We were given guidelines to touch our</p> <p>22 cases so many days a month.</p> <p>23 Q. Do you know how many times you had to</p> <p>24 touch a case a month if it was in theft?</p> <p>25 A. I had to touch it at least, to the</p>



KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICOAugust 28, 2024  
73-76

Page 73	Page 75
<p>1 Fischer</p> <p>2 best of my recollection, four or five times a</p> <p>3 month. The 3rd day, the 8th day, I believe the</p> <p>4 15th day, the 21st day and then closure usually</p> <p>5 within I believe 28 days. Something to that</p> <p>6 effect.</p> <p>7 Q. Did you say you had to close the case</p> <p>8 within 28 days?</p> <p>9 A. No, no, you could have a case open</p> <p>10 for three or four months, but we were given a set</p> <p>11 of guidelines that we had to not only make these</p> <p>12 entries, but the quicker that we closed the claim</p> <p>13 the better your rating.</p> <p>14 Q. For example, social media, was there</p> <p>15 a requirement to touch the case a specific amount</p> <p>16 of times per month?</p> <p>17 A. From 16 to 20 guidelines and</p> <p>18 procedures changed numerous times. Each year,</p> <p>19 just to give you an example, a theft claim when I</p> <p>20 first started, maybe let's say '14 or '15, you</p> <p>21 had to touch a case within three days. If we got</p> <p>22 it on a Friday, you had to touch it on a Monday.</p> <p>23 At the end, to give you a perspective on it, you</p> <p>24 had to touch it the same day. You had to touch</p> <p>25 it within five hours. So we lost that two days.</p>	<p>1 Fischer</p> <p>2 A. Through our supervisors and through</p> <p>3 our quarterly meetings with management. Our</p> <p>4 manager, Mike DeGrocco or at the time 2016 to</p> <p>5 '20, Bill Newport.</p> <p>6 Q. To your knowledge, would individual</p> <p>7 teams only receive the guidelines for the types</p> <p>8 of cases that they would see?</p> <p>9 A. I can't speak for anybody else. I</p> <p>10 can say, for me, I had a booklet of all of the</p> <p>11 procedures. They would come out regularly in</p> <p>12 e-mails. Usually in December they would come</p> <p>13 out, and this is what's going to change for the</p> <p>14 following year. Sometimes it would come out</p> <p>15 twice a year, sometimes three. Depending on the</p> <p>16 upper management, they would change the</p> <p>17 procedures and rules as to what you had to do on</p> <p>18 each particular case.</p> <p>19 Q. So, as it applies then to the theft</p> <p>20 cases that you said you had to touch between four</p> <p>21 to five times a month, that number in theory</p> <p>22 would have changed per year based off your</p> <p>23 testimony, is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. Were there other factors that made</p>
Page 74	Page 76
<p>1 Fischer</p> <p>2 On a Friday before 3 o'clock if I got</p> <p>3 let's say five cases during the day, I had to</p> <p>4 touch them before 10 o'clock, 8 o'clock,</p> <p>5 10 o'clock at night. So I had to do something on</p> <p>6 it to touch them to get into them and show that I</p> <p>7 had gotten the case, that I knew about the case,</p> <p>8 and I had spoken to somebody or done something on</p> <p>9 the case.</p> <p>10 Q. And was this regarding social media</p> <p>11 cases or theft cases?</p> <p>12 A. I'm sorry, I was using theft as an</p> <p>13 example. Social media, there was procedures that</p> <p>14 you had to follow. You had to touch it the day</p> <p>15 that you got it. In 2019, 2020, it could even</p> <p>16 have been '18, you had to touch the case the day</p> <p>17 you got it. You were expected to close that</p> <p>18 social media usually within three to five days I</p> <p>19 would say, and sometimes you'd go longer, but</p> <p>20 that's usually when you were required to complete</p> <p>21 it and submit it.</p> <p>22 Q. For these guidelines that you stated</p> <p>23 changed every year, was that set forth by GEICO?</p> <p>24 A. Yes.</p> <p>25 Q. How was that communicated to you?</p>	<p>1 Fischer</p> <p>2 your workload heavier aside from what we talked</p> <p>3 about where somebody was going out on leave or</p> <p>4 holiday?</p> <p>5 A. As a grade 66, did you ask how many</p> <p>6 more cases I would get?</p> <p>7 Q. No. Were there other factors that</p> <p>8 made your workload heavier at times outside of</p> <p>9 what we talked about for people taking leave or</p> <p>10 holiday?</p> <p>11 A. Yeah. I was responsible as a grade</p> <p>12 66 to train all the new hires. I would spend</p> <p>13 from three to six weeks with each one of them.</p> <p>14 They would come to my house in the morning, and</p> <p>15 they would leave 4 or 5 o'clock. They would go</p> <p>16 out and do EUOs with me. I would train them how</p> <p>17 to do EUOs. You know, I would introduce them to</p> <p>18 my contacts out in law enforcement and at NICB.</p> <p>19 Weather was a big factor. Come the</p> <p>20 winter, sometimes EUOs got canceled because of</p> <p>21 snow. Things like that. I'm sure there are many</p> <p>22 other factors, but at this point those are the</p> <p>23 ones that come to mind.</p> <p>24 Q. As a level 66, do you know who else</p> <p>25 in region 2 who was assigned to let's say the</p>

KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICO


August 28, 2024  
117-120

Page 117	Page 119
<p>1 Fischer</p> <p>2 I went to. I would plot in my days. 7 a.m. to</p> <p>3 10 o'clock at night, 11 o'clock at night, and</p> <p>4 they would self-generate 16 hours to 18 hours for</p> <p>5 the day. I do -- I can only remember twice where</p> <p>6 I actually did it on my timesheet while working</p> <p>7 in region 2 in the SIU. Two or three times. I</p> <p>8 don't want to say. It could have been more than</p> <p>9 that, you know. It wasn't less than that.</p> <p>10 Q. I think I'm losing you just a little</p> <p>11 bit. So are you saying there's two different</p> <p>12 systems with which you put in your overtime</p> <p>13 hours, one specifically only for cat cases and</p> <p>14 one specifically only related to theft cases?</p> <p>15 A. Oh, no. It's the same system. I'm</p> <p>16 sorry.</p> <p>17 Q. Okay, and for, when you would go in</p> <p>18 and adjust your time, I think you had indicated</p> <p>19 that you would adjust it to 16 hours if you</p> <p>20 needed to.</p> <p>21 A. Let's say ten. I know one day I put</p> <p>22 in for 10.75, and I got 43 hours. I got 41.75</p> <p>23 instead of 38.75. I put in for three hours and</p> <p>24 ten minutes I think one day.</p> <p>25 Q. Okay, and, when that was submitted</p>	<p>1 Fischer</p> <p>2 overtime with which somebody said denied?</p> <p>3 A. I never put in for any other</p> <p>4 requests. I can only speak for myself.</p> <p>5 Q. And as to then getting approved to</p> <p>6 enter in your OT, which you did then enter in</p> <p>7 your OT, were you paid for that overtime, to your</p> <p>8 recollection?</p> <p>9 A. Yes.</p> <p>10 Q. Have you ever put in more than 7.75</p> <p>11 hours for a day with which you didn't seek</p> <p>12 pre-approval?</p> <p>13 A. Only during catastrophes.</p> <p>14 Q. What does that process look like?</p> <p>15 A. I answer to an SIU supervisor, Dale,</p> <p>16 I forget his last name. He was from that region</p> <p>17 in Colorado and/or Houston. He actually traveled</p> <p>18 with me on both, and at that point he would say</p> <p>19 that we worked a 12-hour day. I'm going to give</p> <p>20 you two hours travel in the morning. I am going</p> <p>21 to give you two to three-hour reporting time at</p> <p>22 night when you go back to your hotel room.</p> <p>23 Q. Okay, and so then you would just</p> <p>24 enter your hours after you both agreed to</p> <p>25 whatever that hour was in the Workday system, and</p>
Page 118	Page 120
<p>1 Fischer</p> <p>2 through Workday when you closed out for the two</p> <p>3 weeks in your custom and practice, then it was</p> <p>4 approved, is that right?</p> <p>5 A. I had to pre-approve it with Jerry</p> <p>6 who had to pre-approve it with Bill.</p> <p>7 Q. What did the pre-approval process</p> <p>8 look like before you would go in and then adjust</p> <p>9 the numbers in the Workday system?</p> <p>10 A. It would send Jerry an e-mail stating</p> <p>11 that on August 28th, 2024 I went out to Brooklyn,</p> <p>12 New York, where I secured a high-end vehicle,</p> <p>13 waited for police to arrive at 2 o'clock in the</p> <p>14 morning. I waited until 5 o'clock. I am</p> <p>15 respectfully requesting overtime in the amount of</p> <p>16 three hours.</p> <p>17 Q. And then you would send an e-mail.</p> <p>18 Would you get correspondence back saying</p> <p>19 approved?</p> <p>20 A. Yes.</p> <p>21 Q. Or denied?</p> <p>22 A. It would be back -- that one time I</p> <p>23 got it back from Jerry that it was approved.</p> <p>24 Q. Did you ever, to your recollection,</p> <p>25 receive any e-mail back after you requested</p>	<p>1 Fischer</p> <p>2 then would you get paid then that corrected</p> <p>3 amount?</p> <p>4 MS. DSOUZA: Objection.</p> <p>5 A. To the best of my recollection, I did</p> <p>6 go through the Workday system to put in my</p> <p>7 overtime to the best of my -- I'm almost positive</p> <p>8 it went through. Did I get paid? Yes.</p> <p>9 Q. Transitioning to number 9, it states,</p> <p>10 "From 2016 to approximately March 2020, I worked</p> <p>11 about ten to 12 hours a day Monday through Friday</p> <p>12 and eight hours on many weekends. I estimate</p> <p>13 working a total of 50 to 65 hours a week on</p> <p>14 average during this time period."</p> <p>15 On what do you base these estimates?</p> <p>16 A. My caseload and the knowledge that I</p> <p>17 did this each and every day. My day started</p> <p>18 early in the morning, and it went to late at</p> <p>19 night. I was fortunate enough that my wife was</p> <p>20 an investigator and knew the pressures and the</p> <p>21 stress at GEICO. She worked there herself. So</p> <p>22 after dinner I would go back on the computer, and</p> <p>23 I would, because now it was downtime. I knew I</p> <p>24 wasn't receiving cases after 4 or 5 o'clock, and</p> <p>25 for that 3 or 4 hours I could type in peace and</p>



KEITH FISCHER Confidential  
Keith Fischer, et al. vs GEICO

August 28, 2024  
273-276

Page 273		Page 275	
1	Fischer	1	
2	MS. ALBERTY: Objection.	2	I N D E X
3	A. Yes.	3	Witness Examination by Page
4	MS. DSOUZA: I think that is it.	4	KEITH FISCHER Ms. Alberty 4
5	MS. ALBERTY: I don't have any	5	Ms. Dsouza 269
6	further questions. Thank you.	6	
7	MS. DSOUZA: Thank you.	7	
8	THE VIDEOGRAPHER: This marks the end	8	E X H I B I T S
9	of the deposition. We are going off the	9	Fischer Page
10	record at 5:33 p.m.	10	Exhibit 1 Revised Notice of Deposition of Keith Fischer 12
11	(Time noted: 5:33 p.m.)	11	
12		12	Exhibit 2 Document Bates stamped G000028 through 43 82
13		13	Exhibit 3 Document Bates stamped G004265 and attachment 84
14	Subscribed and sworn to	14	
15	before me this ____ day of ____, 2024.	15	Exhibit 4 Plaintiff Keith Fischer's Responses to the Court's Interrogatories and Declaration of Keith Fischer 109
16		16	
17		17	Exhibit 5 Second Amended Collective and Class Action Complaint 219
18		18	
19		19	Exhibit 6 Document Bates stamped P00000490 through 494 222
20		20	Exhibit 7 Document Bates stamped 00000078 through 064 230
21		21	
22		22	Exhibit 8 Document Bates stamped P00000077 240
23		23	Exhibit 9 Plaintiff Keith Fischer's Responses and Objections to Defendant's First Set of Interrogatories 260
24		24	
25		25	~oOo~
Page 274		Page 276	
1		1	
2	C E R T I F I C A T I O N	2	D E P O S I T I O N E R R A T A S H E E T
3		3	Our Assignment No. 11658332
4	I, JOSEPH R. DANYO, a Shorthand Reporter	4	Case Caption: Keith Fischer v GEICO
5	and Notary Public, within and for the State of New	5	
6	York, do hereby certify:	6	D E C L A R A T I O N U N D E R P E N A L T Y O F P E R J U R Y
7	That I reported the proceedings in the	7	I declare under penalty of perjury that I have
8	within entitled matter, and that the within transcript	8	read the entire transcript of my deposition taken in
9	is a true record of such proceedings.	9	the above-captioned matter or the same has been read
10	I further certify that I am not related, by	10	to me, and the same is true and accurate, save and
11	blood or marriage, to any of the parties in this	11	except for changes and/or corrections, if any, as
12	matter and that I am in no way interested in the	12	indicated by me on the DEPOSITION ERRATA SHEET
13	outcome of this matter.	13	hereof, with the understanding that I offer these
14	IN WITNESS WHEREOF, I have hereunto set my	14	changes as if still under oath.
15	hand this 2nd day of September, 2024.	15	Signed on the ____ day of ____
16		16	2024.
17		17	
18	JOSEPH R. DANYO	18	KEITH FISCHER
19	STATE OF NEW YORK	19	Subscribed and sworn to on the ____ day of
20	My Commission Expires 2/20/2027	20	____, 2024 before me.
21		21	
22		22	Notary Public in and for the State of New York.
23		23	
24		24	
25		25	